IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.R. No.5549 of 2004

Date of Decision:11.9.2006.

Sohan Lal Sharma

....Petitioner.

Versus

Onkar Nath

...Respondent.

CORAM : Hon'ble Mr. Justice Surya Kant.

Present:- Mr.B.R. Mahajan, Advocate
for the petitioner.

Mr.Deepak Aggarwal,Advocate for
Mr. Veneet Sharma, Advocate
for the respondent.

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SURYA KANT, J.(ORAL)

This revision petition has been preferred against the order dated 26.8.2004 passed by Civil Judge (Junior Division), Amritsar, whereby an application under Order 6 Rule 17 CPC for amendment of the written statement so as to raise the counter claim regarding possession of the subject property, has been dismissed.

Notice of motion was issued and in pursuant thereto the respondent has put in appearance.

After hearing learned counsel for the parties and having regard to the plea already taken by the petitioner in the written statement, namely, that the plaintiff/respondent is his brother-in-law and the house in dispute was given to him as a licencee, I am satisfied that if the petitioner

succeeds in proving that the subject property was actually given by him to the respondent/plaintiff as a licencee only, he would also be entitled to seek the relief sought to be raised by him as a counter claim. That apart, if the amendment is allowed and the petitioner is permitted to raise the cross claim, it will curb multiplicity of litigation between the parties.

For the reasons aforesaid, the revision petition is allowed and the impugned order dated 26.8.2004 passed by the Trial Court is set aside. Consequently, the application under Order 6 Rule 17 CPC moved by the petitioner is accepted and he is permitted to file an amended written statement with the plea of counter claim raised therein.

No orders as to costs.

(SURYA KANT)
JUDGE

Sept 11,2006.
Reema